

FILED

JAN 04 2023

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

v.

RICHARD EDWARD AMERICA, III

Defendant.

Criminal No.

1:23cr2

Violations:

18 U.S.C. § 922(g)(9)

18 U.S.C. § 924(a)(2)

28 U.S.C. § 5841

28 U.S.C. § 5861(d)

28 U.S.C. § 5861(i)

28 U.S.C. § 5871

INDICTMENT

The Grand Jury charges that:

COUNT ONE

(Unlawful Possession of Firearm)

On or about May 5, 2022, in Doddridge County, in the Northern District of West Virginia, defendant **RICHARD EDWARD AMERICA, III**, knowing that he had been convicted of a misdemeanor crime of domestic violence, that is, on June 8, 2009, he was convicted of battery in violation of W. Va. Code § 61-2-9(c) in the Magistrate Court of Doddridge County, West Virginia against A.S., a person with whom the defendant **RICHARD EDWARD AMERICA, III** shares a child in common and with whom he was cohabiting, did knowingly possess a firearm in and affecting interstate and foreign commerce, that is, in violation of Title 18, United States Code, Section 922(g)(9) and 924(a)(2).

New England Firearms, model Pardner SB1 .410 gauge shotgun, serial number NH385661
Thompson/Center Arms, model Encore, 25-06 caliber rifle, serial number 154437

Marlin Firearms Co., model 25MB, .22 caliber rifle, serial number 12696374
Ruger, model M77 Mark II, .338 win. mag. caliber rifle, serial number 782-07150
New England Firearms, model Handi Rifle SB2, 243 win. caliber rifle, serial number NR391132
Savage Arms Inc., model 93, .22 caliber rifle, serial number 940270,
High Standard, model Flite King Deluxe, 12 gauge shotgun, unknown serial number
Hawk Industries Co., LTD, model H&R Parder Pump, 12 gauge shotgun, serial number NZ865455
Rohm, model RG 10, .22 caliber revolver, serial number 813319
Del-Ton Inc., model DT Sport, 5.56 caliber rifle, serial number S053362
Smith and Wesson, model Bodyguard, .380 caliber pistol, serial number KBF3342.

COUNT TWO

(Possession of Unregistered Firearm)

On or about May 5, 2022, in Doddridge County, in the Northern District of West Virginia, defendant **RICHARD EDWARD AMERICA, III**, knowingly received and possessed silencers, as defined in 26 U.S.C. § 5845(a)(7) and 18 U.S.C. § 921(a)(24) – specifically, one black in color silencer and one green in color silencer bearing the letters AER – neither of which was registered to him in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Sections 5841, 5861(d) and 5871.

COUNT THREE

(Possession of Firearm Unidentified by Serial Number)

On or about May 5, 2022, in Doddridge County, in the Northern District of West Virginia, defendant **RICHARD EDWARD AMERICA, III**, knowingly received and possessed firearm silencers, as defined in 26 U.S.C. § 5845(a)(7) and 18 U.S.C. § 921(a)(24) – specifically, one black in color silencer and one green in color silencer bearing the letters AER – neither of which was identified by a serial number as required by chapter 53 of Title 26, in violation of Title 26, United States Code, Sections 5861(i) and 5871.

**FORFEITURE ALLEGATION
(Gun Control Act)**

Pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d)(1), the government will seek the forfeiture of any firearm and any ammunition involved in or used in any knowing violation of Title 18, United States Code, Section 922(g) including and any accompanying ammunition.

New England Firearms, model Pardner SB1 .410 gauge shotgun, serial number NH385661
Thompson/Center Arms, model Encore, 25-06 caliber rifle, serial number 154437
Marlin Firearms Co., model 25MB, .22 caliber rifle, serial number 12696374
Ruger, model M77 Mark II, .338 win. mag. caliber rifle, serial number 782-07150
New England Firearms, model Handi Rifle SB2, 243 win. caliber rifle, serial number NR391132
Savage Arms Inc., model 93, .22 caliber rifle, serial number 940270,
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Rohm, model RG 10, .22 caliber revolver, serial number 813319
Del-Ton Inc., model DT Sport, 5.56 caliber rifle, serial number S053362
Smith and Wesson, model Bodyguard, .380 caliber pistol, serial number KBF3342.
One black silencer
One green silencer bearing the letters AER

A true bill,

/s/

Grand Jury Foreperson

/s/

WILLIAM IHLENFELD

United States Attorney

Sarah E. Wagner

Assistant United States Attorney